

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 8, 2008

H032602 PEOPLE v. SMITH

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 8, 2008

H033045 PEOPLE v. LABOUE

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 8, 2008

H032733 PAJARO WALL STREET INN, LLC v. CIBA INSURANCE SERVICES,
et al.

By the Court:

On the court's own motion, the submission order of October 7, 2008, is hereby vacated. The court will set the matter for oral argument at a date and time to be determined. The cause will be resubmitted at the conclusion of oral argument.

Dated: December 8, 2008 Bamattre-Manoukian, Acting P.J.

TUESDAY, DECEMBER 9, 2008

The following cases are submitted this date:

H032168 PEOPLE v. LLOYD

H032710 PEOPLE v. MORA

H032819 PEOPLE v. APODACA

H032906 PEOPLE v. SCHNEIDER

H032861 PEOPLE v. PENA

H032981 PEOPLE v. RAMOS

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H032507 PEOPLE v. RUDY A.

Cause called and argued by Julia K. Freis appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H032641 ASTER v. ASTER

Cause called and argued by Herman Aster appearing in Pro Per and by Dolly Ares appearing for Respondent. Cause ordered submitted.

H031753 PEOPLE v. PEREZ

Cause called. Counsel for appellant not having appeared for oral argument, the cause is ordered submitted.

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Tuesday, December 9, 2008 (continued)

Elia, J. leaves the bench and Bamattre-Manoukian, J. takes the bench.

H031127 ALFARO, et al. v. COMMUNITY HOUSEING IMPROVEMENT SYSTEM & PLANNING ASSOCIATION, INC., et al.

Cause called and argued by Bruce Tichinin appearing for Appellants and by Kathryn Reimann, Deputy County Counsel, appearing for Respondent County of Monterey, and by Lloyd Lowrey appearing for Respondent South County Housing, Inc., and by Esau Soren Diaz appearing for Respondent Community Housing Improvement System & Planning Association, Inc. Cause ordered submitted.

Rushing, P.J. and Premo, J. leave the bench and Elia, Acting P.J. and Duffy, J. take the bench.

H031875 PEOPLE v. FRANCO

Cause called and argued by Peter B. Meadow appearing for Appellant and by Brent W. Wilner, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court recesses until the 1:30 p.m. calendar.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Jossie Michel, Deputy Clerk.

H031765 PEOPLE v. JOHNSON

Cause called and argued by Jonathan Grossman appearing for Appellant and by Bridget Billeter, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031218 PEOPLE v. WARZEK

Cause called and argued by Arthur Dudley appearing for Appellant and by David H. Rose, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031924 SANTA CLARA CO. DEPT.OF CHILD SUPPORT SERVICES v. WOLFE

Cause called and argued by Brian Beckwith appearing for Appellant and by Dorian Baker appearing for Respondent and by Mary K. Simpson appearing for Claimant and Respondent. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

WEDNESDAY, DECEMBER 10, 2008

The following case is submitted this date:

H031468 SPINKS v. EQUITY RESIDENTIAL BRIARWOOD APARTMENTS

H032859 In re C. B.; SANTA CRUZ HRA v. N. B.

The order terminating parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions to order the Santa Cruz County Human Resources Agency to proceed as required by ICWA (25 U.S.C. § 1901 et seq.), Welfare and Institutions Code sections 224 through 224.6, and the California Rules of Court, rule 5.480 et seq. If, after the Agency completes the prescribed procedures, the juvenile court concludes that ICWA does not apply, then the order terminating parental rights shall be immediately reinstated. If any tribe determines that C. B. is an Indian child within the meaning of ICWA, the juvenile court shall conduct further proceedings in accordance with ICWA, the Welfare and Institutions Code, and the California Rules of Court. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 10, 2008

THURSDAY, DECEMBER 11, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and S. Nasson, Deputy Clerk.

H031726 PEREZ v. GRAJALES; MORRISSEY

Cause called and argued by Charles Dell'Ario appearing for Appellant and by Thomas Hogan appearing for Respondent. Cause ordered submitted.

H031849 CURTIS v. SILICON VALLEY BANK

Cause called and argued by David Kornbluh appearing for Appellant and by Mitchell Boomer appearing for Respondent. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

FRIDAY, DECEMBER 12, 2008

H033344 A.M. v. SUPERIOR COURT

The petition for writ of mandate is denied. This opinion is final as to this court immediately upon filing. (Cal. Rules of Court, rule 8.264(b)(2).) (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 12, 2008

H032373 PEOPLE v. VARGAS

The order retroactively committing Vargas to an indeterminate term is reversed without prejudice to further proceedings on the petition. (not published)
(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)
Filed December 12, 2008

H031371 PEOPLE v. FREEMAN

The judgment is modified to reflect a total of 225 days of credit, 151 days of actual custody and 74 days of conduct credit. As modified, the judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 12, 2008

H032359 PEOPLE v. VIGIL

H032972 In re VIGIL on Habeas Corpus

The judgment is reversed. The petition for writ of habeas corpus is denied as moot. (published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed December 12, 2008